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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/809,922	03/16/2001	William L. Thomas	ODS-38	7120

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FISH & NEAVE  
1251 AVENUE OF THE AMERICAS  
50TH FLOOR  
NEW YORK, NY 10020-1105

EXAMINER

ASHBURN, STEVEN L

ART UNIT	PAPER NUMBER
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3714

DATE MAILED: 12/12/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/809,922

Applicant(s)

THOMAS, WILLIAM L.

Examiner

Steven Ashburn

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3,4.

- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

  
MARK SAGER  
PRIMARY EXAMINER

***DETAILED ACTION***

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

**Claims 1 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Scagnelli et al., U.S. Patent 5,921,865 (Jul. 13, 1999).**

Claims 1 and 11: *Scagnelli* discloses an interactive lottery system using user equipment that teaches all features of the claims:

- a. Providing a listing of lotteries I which the user can participate on a display. *See fig. 3(b)(c).*
- b. Giving the user the ability to participate in at least on of the lotteries using the user equipment. *See fig. 5a.*

**Claims 21-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Walker et al., U.S. Patent 6,325,716 B1 (Dec. 4, 2001).**

*Walker* discloses a condition lottery system that teaches all features of the following claims:

Claims 21 and 27:

- a. Giving the user the ability to set conditions. *See col. 2:36-3:35.*
- b. Automatically participating in the lottery on the behalf of the user when the conditions have been met. *See id.*

Claims 22 and 28: Automatically participating in the lottery comprises using a default set of lottery numbers. *See col. 3:1-8, 5:1-19.*

Claims 23 and 29: Default set of lottery numbers are user-specified. *See id.*

Claims 24 and 30: Automatically participating in the lottery comprises using a set of randomly generated lottery numbers. *See id.*

Claims 25 and 31: Conditions are based on factors selected from the group consisting of a period of time from the last time the user participated, the lottery prize, the odds of winning and any combination thereof. *See col. 2:54-3:1; 4:11-27.* In regards, to the odds of winning, the reference teaches enrolling a ticket based on a minimum payout, which determines the ticket's expected payout (i.e. odds of winning a particular payout).

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Claims 26 and 32: Automatically participating in the lottery on behalf of the user every time the lottery is offered. *See col. 1:55-64, 2:54-64.*

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 2-7, 9, 12-17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Scagnelli* in view of *LottoBot*, <http://lotobot.net> (Feb, 1999).**

Claims 2 and 12: *Scagnelli* additionally discloses that the interactive lottery system may be accessed over the Internet. *See col. 3:42-49.* Furthermore, it discloses that user equipment may be a computer. *See col. 3:42-46.* It is implicit that the computer includes a processor, display, user input device and data communication device. *See id.* Thus, *Scagnelli* describes all the features of the claim except notifying the user that the results to at least one lottery are available.

*LottoBot* discloses an analogous lottery system allowing users to access lottery data over the Internet through the user's computer. In particular, the system notifies the user that results to at least one of the lotteries in which the user participated are available. *See pp. 1, 4-6.*

In view of *LottoBot*, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify *Scagnelli*, wherein remotely located users participate in lotteries through the internet, to add the feature of notifying the user that the results to at least one lottery are available. As seen in *LottoBot*, the modification would enhance the lottery system by allowing users who participate in

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one or more lotteries to be automatically informed of the results and thereby provide a more convenient system by reducing the attention required of the user.

Claims 3 and 13: *LottoBot* additionally teaches transmitting notification as a computer email, pager message, or telephone message. *See p. 5*. Pop-up overlays and icons are equivalent methods for indicating a messages.

Claims 4 and 14: *LottoBot* additionally teaches displaying the results to at least on of the lotteries in which the user participated. *See p. 1, 4-6*.

Claims 5 and 15: *LottoBot* additionally teaches indicating whether the user won for each of the lotteries for which the user participated. *See id*.

Claims 6 and 16: *LottoBot* additionally teaches recording the lottery drawings with he lotteries in which the user participated. *See pp. 10-14*.

Claims 7 and 17: *LottoBot* additionally teaches reminding the user of an upcoming lottery drawing associated with at least on of the lotteries in which the user participated. *See pp. 1, 7-9*.

Claims 9 and 19: *LottoBot* teaches displaying a user interface to the user to use in creating a wager for at least one of the lotteries, wherein the user interface is customized for each on of the lotteries. In particular, the reference displays a separate display for each lottery and type. *See p. 4*.

**Claims 8 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Scagnelli* in view of *SGI Insights*, Scientific Gaming International, vol. 1, issue no. 5 (Jan. 1999).**

*Scagnelli* teaches all the features of the claims except giving the user the ability to generate lottery gift certificates. Regardless of the deficiencies, this feature would have been obvious to an artisan.

*SGI Insights* teaches that it is known to give users the ability to order lottery gift certificates. *See p. 4.*

In view of *SGI Insight*, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify *Scagnelli*, wherein users generate lottery entries over a telecommunication link, to add the feature of giving the user the ability to generate lottery gift certificates. As suggested in *SGI Insight*, lottery gift certificates are very popular amongst users. *See id.* Thus offering them to users would enhance the operator's revenues by increase purchases through the system.

**Claims 10 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Scagnelli* in view of McCollom et al., U.S. Patent Application Publication 2002/001623 A1 (Jan. 24, 2002).**

*Scagnelli* teaches all the features of the claim except giving the user the ability to finalize a wager at a later time and reminding the user to finalize the wager. Regardless of the deficiencies, these features would have been obvious to an artisan.

*McCollom* teaches an analogous system allowing users the purchase items and coupons over the Internet wherein users are given the ability to finalize a purchase at a later time and reminded the user to finalize the purchase. In particular, the reference allows to place purchases in a "shopping basket" or "wish list" for later purchase. *See fig. 13, 14, 17.* The system's display provides an indication reminding the user that the purchase is not finalized. *See fig. 21, 22; p. 8, ¶ 0107.*

In view of *McCollom*, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify *Scagnelli*, wherein users purchase lottery tickets over the Internet, to add the

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features of giving the user the ability to finalize a wager at a later time and reminding the user to finalize the wager. As taught by *McCollom*, the modification would improve the system by allowing users to browse, assemble and store wagers until the time the elect to make a purchase. See p.10, ¶¶ 0132-0137.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Ashburn whose telephone number is 703 305 3543. The examiner can normally be reached on Monday thru Friday, 8:00 AM to 4:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on 703-308-1806. The fax phone numbers for the organization where this application or proceeding is assigned are 703 872 9302 for regular communications and 703 872 9303 for After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308 1078.

S.A.  
December 9, 2002



MARK SAGER  
PRIMARY EXAMINER